

TAKEN UP WRIT PETITION NO.14519 OF 2006

...Petitioner

AND

1. Revenue Divisional Officer, Peddapuram, East Godavari District and four others.

....Respondents

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HON'BLE SRI JUSTICE D.S.R.VARMA
AND
HON'BLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.14519 OF 2006

ORAL ORDER: (per the Hon'ble Sri Justice D.S.R.VARMA)

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a letter, dated NIL, addressed to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, by one Smt. Devadi Vijaya W/o Nagi Reddy. It is her prayer that her husband, Devadi Nagi Reddy, who has been working as Attender in Revenue Divisional Office, Peddapuram, is not found since he has been mentally challenged person. It is her further prayer that since she has been living with her daughter, aged about 13 years, and has been virtually living in penury solely depending upon the work on daily basis, she seeks employment on compassionate grounds in the place of her husband, who is missing.

3. On notice being served, the Revenue Divisional Officer, Peddapuram, East Godavari District, filed a counter-affidavit, *inter alia*, stating that the said Devada Nagireddy, husband of the petitioner, is admittedly a mentally challenged person and earlier also he was missing for some time and came back after considerable period and even on such occasions he was permitted to work. Now, this is the second occasion he absconded from duty from December 2004.

4. It is brought to the notice of this Court that upon enquiry, it is found that the services rendered by the husband of the petitioner are very essential and much inconvenience is being caused in the absence of husband of the petitioner. It is further submitted that Mr. D. Nagi Reddy was found missing only from December 2004 and unless and until seven years have lapsed, the petitioner's case cannot be considered for compassionate appointment. In the counter-affidavit, several Government Orders have been referred to in this connection.

5. It is well settled that compassionate appointment is not a right accrued unless and until the same is actually provided for, under the Rules. However, consideration for appointment, as an

employee in the Government Department on compassionate grounds, cannot be stalled.

6. Having regard to the facts and circumstances, the respondents are at liberty to consider the case of the petitioner for appointment on compassionate grounds, of course, subject to the availability of vacancy, particularly in view of the statement made in the counter-affidavit that the post that was held by the husband of the petitioner requires essential service, either on daily wage basis or on temporary basis, as the case may be, within a period of four weeks from the date of receipt of a copy of this order.

7. However, it is clarified that any such appointment made, shall be only up to the stage of tracing out the husband of the petitioner.

8. With the abovementioned direction, the Writ petition is closed. No order as to costs.

D.S.R.VARMA, J

P. SWAROOP REDDY, J

Dated: 28.08.2006
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